

BEFORE THE JUDICIAL QUALIFICATIONS COMMISSION
STATE OF FLORIDA

INQUIRY CONCERNING A JUDGE
NO. 02-466, JUDGE JOHN RENKE, III

2005 AUG -5 A 10:46
CLERK SUPREME COURT
SC03-1846
BY _____

**MOTION TO COMPEL ANSWERS TO RESPONDENT'S
SECOND SET OF INTERROGATORIES**

COMES NOW, Respondent, JUDGE JOHN RENKE, III, by and through his undersigned counsel and files this, his Motion to Compel Answers to Respondent's Second Set of Interrogatories, pursuant to Florida Rule of Civil Procedure 1.380 and Florida Judicial Qualifications Commission Rule 12 and in support thereof states:

1. On May 17, 2005, Respondent's Second Set of Interrogatories was propounded upon the Judicial Qualifications Commission (hereinafter "JQC").
2. The answers to the Second Set of Interrogatories were due to be served upon Respondent on or before June 21, 2005.
3. The undersigned attorneys for Judge Renke hereby certify that we have attempted to resolve this matter without success by repeatedly contacting Special Counsel concerning the status of the answers and have made reasonable efforts to accommodate Special Counsel's schedule by agreeing to several extensions of the deadlines to serve the answers. For

instance, Respondent initially agreed to extend the deadline to July 15, 2005 after the Final Hearing was continued. When the answers were not received on July 15, 2005, Respondent wrote to Special Counsel on July 22, 2005 requesting the status of the completed answers. (See Letter, attached as Exhibit A). On July 25, 2005, Special Counsel represented that he would serve the answers by July 29, 2005. (See Letter, attached as Exhibit B). However, the answers were never served by this second extension. On August 1, 2005, Respondent's counsel met with Special Counsel who agreed to serve the answers by Wednesday, August 3, 2005. On August 4, 2005, Respondent's counsel contacted Special Counsel's office concerning the status of the answers and the reason why the answers were not served on the August 3, 2005 deadline. Special Counsel's office informed us that the answers would be served "as soon as possible."

4. The delay in providing the answers to the Second Set of Interrogatories prejudices Respondent's trial preparation, including gathering rebuttal evidence and witnesses and drafting substantive motions on the charges.

5. Attorney's fees have been incurred by Respondent in filing this motion and in attempting to obtain the discovery requested, and the JQC should be required to pay Respondent's attorney's fees.

WHEREFORE and by reason of the foregoing, Respondent requests this Court to enter an order compelling Special Counsel to answer the Second Set of Interrogatories and to pay all expenses and attorney's fees incurred by Judge Renke in granting such other further relief as it deems appropriate.

Respectfully submitted,



SCOTT K. TOZIAN, ESQUIRE
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GWENDOLYN H. HINKLE, ESQUIRE
Florida Bar Number 83062
SMITH, TOZIAN & HINKLE, P.A.
109 North Brush Street, Suite 200
Tampa, Florida 33602
813-273-0063
Attorneys for Respondent

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of August, 2005, the original of the foregoing Motion to Compel Answers to Respondent's Second Set of Interrogatories has been furnished by electronic transmission via e-file@flcourts.org and furnished by FedEx overnight delivery to: Honorable Thomas D. Hall, Clerk, Supreme Court of Florida, 500 South Duval Street, Tallahassee, Florida 32399-1927; and true and correct copies

have been furnished by regular U.S. Mail to Marvin E. Barkin, Esquire, and Michael K. Green, Esquire, Special Counsel, 2700 Bank of America Plaza, 101 East Kennedy Boulevard, P. O. Box 1102, Tampa, Florida 33601-1102; Ms. Brooke S. Kennerly, Executive Director, Florida Judicial Qualifications Commission, 1110 Thomasville Road, Tallahassee, Florida 32303; John R. Beranek, Esquire, Counsel to the Hearing Panel, P.O. Box 391, Tallahassee, Florida 32302; and Thomas C. MacDonald, Jr., Esquire, General Counsel, Florida Judicial Qualifications Commission, 1904 Holly Lane, Tampa, Florida 33629.



SCOTT K. TOZIAN, ESQUIRE

Smith and Tozian, P.A.
ATTORNEYS AT LAW

DONALD A. SMITH, JR.
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SUITE 200, 109 N. BRUSH STREET
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July 22, 2005

VIA FACSIMILE AND U.S. MAIL

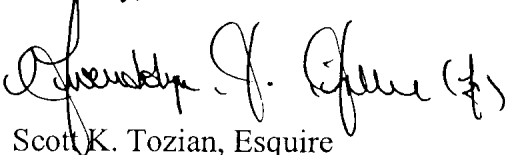
Michael K. Green, Esquire
Special Counsel
Trenam, Kemker, Scharf, Barkin
Frye, O'Neill & Mullis, P.A.
P. O. Box 1102
Tampa, Florida 33601-1102

RE: Inquiry concerning Judge John K. Renke, III
Case No. 02-466; SC03-1846
Your File No. 03-3273

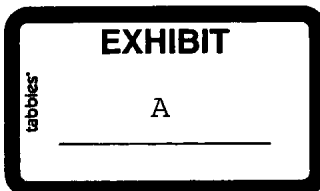
Dear Mr. Green:

As you know, on May 17, 2005 we propounded our Second Set of Interrogatories on the JQC. While we have previously agreed to several extensions, it was our understanding that you would forward the answer to our office by July 15, 2005. As of this date, your answers have not been received and your office has not returned our call concerning the status of the response. Please provide our office with the status of these answers by the close of business on July 26, 2005 so that we may determine whether a Motion to Compel is necessary. Thank you for your anticipated cooperation.

Sincerely,


Scott K. Tozian, Esquire

SKT/nlg



JUL 26 2005

TAMPA OFFICE
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**TRENAM
KEMKER**
Attorneys At Law
PLEASE REPLY TO

ST. PETERSBURG OFFICE
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Tampa

July 25, 2005

VIA FACSIMILE AND U.S. MAIL

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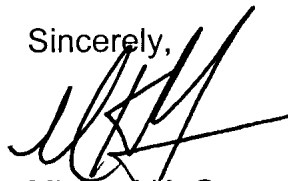
Re: Inquiry Concerning Judge John Renke
Case No. 02-466
Our File No. 03-3273

Dear Scott:

As I informed you at the last deposition, I have been on the road for several weeks and we will serve the answers to your second interrogatories by the end of this week. Also, are you available later this week on Thursday, July 28, 2005 or Friday, July 29, 2005 so we can meet and confer regarding the above-referenced matter?

We look forward to hearing from you.

Sincerely,


Michael K. Green

MKG:cfg

